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Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 103: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/50/18, A/50/425-S/1995/787, A/50/467, 468, 476 and 493)

AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/50/485, A/50/390 and Add.1 and A/50/407)

1. Mr. GLÈLÈ-AHANHANZO (Special Rapporteur of the Commission on Human Rights) introduced the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/50/476), in accordance with General Assembly resolution 49/147 of 23 December 1994. He listed the chapters comprising the report and noted that it also contained views of Governments and non-governmental organizations received since the publication of his previous report (A/49/677). It also contained sections on the analysis of anti-Semitism, the situation of housekeepers of Indian, Sri Lankan, Bengali and Philippine origin in Kuwait and allegations of racist and xenophobic incidents in Germany. The response to the handling of those matters on the part of the Governments of Kuwait and Germany was explained in paragraph 17.

2. He then turned to the missions he had conducted between October 1994 and October 1995 to the United States of America, Brazil, Germany and France. In the report submitted to the Commission on Human Rights at its fifty-first session on the first of those missions, he had arrived at the conclusion that historical, sociological, psychological and structural factors were behind the subtle forms of racism and racial discrimination that lingered in the United States. In the case of Brazil, the situation was highly complex, to the extent that the cause-and-effect relationship between the economic and social status of the excluded groups or social sectors and the history of the marginalization of Blacks, Indians and mestizos of all kinds should be analysed with reference to historical factors which attended the founding of Brazil, such as slavery and colonization, and its socio-economic evolution. Germany, which was facing a resurgence of Nazism and the racist, anti-Semitic and xenophobic extreme right, had left behind the most acute phase of attacks and arson, but appeared to be coming up against xenophobia in daily life. Priority attention was being given to Germans coming from the collapsed Soviet empire. In France, society and civilization itself were in crisis because of the growing xenophobia which made foreigners into scapegoats. The true problem of the times was Islam, which was the second largest religion in the country. Terrorist attacks added to fear, rejection and contempt of foreigners, making the situation even more difficult. The French people, however, were capable of meeting that challenge. Reports on the missions to Brazil, Germany and France would be submitted to the Commission on Human Rights at its fifty-second session.

3. In general, it should be noted that organized and extraordinary manifestations of racism and anti-Semitism were tending to diminish, because in the countries most affected - Germany, France and the United States - legal and administrative steps had been taken to combat them. Nevertheless, racist behaviour and attitudes persisted, although in more subtle forms. Economic, religious and social reasons were being put forward to justify the revival and encouragement of racial discrimination. Legislation on immigration was becoming

increasingly strict, and it was more difficult to obtain visas. All the ills of the host country were attributed to foreigners, while their contribution to the nation's economic development was forgotten. Short-term solutions must be found to promote integration and acceptance of foreigners, whereas the long-term solution lay in human rights education. The United Nations Decade for Human Rights Education (1995-2004) should find expression in practical programmes for the teaching of human rights and cultural pluralism. Furthermore, the General Assembly could adopt a resolution requesting the United Nations Educational, Scientific and Cultural Organization (UNESCO) to take into account in its programme budget the elaboration of a research programme designed to incorporate the topic of human rights into school curricula.

4. Finally, among the other conclusions and recommendations in his report he highlighted the need for States, on ratification of human rights instruments, to refrain from making reservations or to withdraw those already made. Furthermore, it was important that the granting of visas to nationals of countries of the South should be less restrictive. The mass media must also make an effort to avoid propagating racist prejudices and stereotypes, and radical measures were needed to curb radio stations that promoted ethnic or racial hatred. He recommended that following the example of the Simon Wiesenthal Centre in France, the General Assembly should establish a mechanism for monitoring the use of the media to incite hatred and racial discrimination.

5. Mr. TELLES RIBEIRO (Brazil) said that, in addressing agenda items 103 and 104, his delegation wished to reaffirm its commitment to the eradication of all forms of racism and racial discrimination in the world so that all members of international society could enjoy democratic values. Brazilian society was based upon genuine diversity of races and ethnic origins and the respect for the principle of equality among human beings. Brazil was convinced that only through dialogue, tolerance and openness could racial questions be properly addressed. That could be seen from the Brazilian Government's tenth periodic report submitted under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, which faithfully reflected the situation in Brazil as a result of a democratic process of consultation between the Government and society. With the submission of that report, Brazil confirmed the importance attached to complete eradication of racial discrimination.

6. The appointment of a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance indicated the deep concern raised in the international community by those tendencies, among which "ethnic cleansing" gave special cause for alarm. Brazil had been a sponsor of the resolution adopted on that matter and, on several occasions, had stressed the need to provide the Special Rapporteur with all possible means to fulfil his mandate. In the spirit of openness and transparency which had prevailed in Brazil's attitude in the field of human rights, the Government had met with the Special Rapporteur, who had visited the country in June 1995. He had talked with authorities, congressmen and representatives of non-governmental organizations in order to form a comprehensive view of the situation in that field. The Government had taken note of the comments contained in his preliminary report, and was awaiting with interest the complete report that the Special Rapporteur would submit to the Commission on Human Rights in 1996.

Brazil hoped that all countries receiving a visit would extend the necessary cooperation for the fulfilment of his mandate.

7. Recent events had once again brought the question of self-determination to the centre of the international community's concerns. Newly independent States had been welcomed as Members of the United Nations, reinforcing the universal character of the Organization. Brazil had, on numerous occasions, supported the struggle of those peoples to exercise their free will and determine their own destiny; however, it considered that the relationship between the scope of self-determination and the protection of the human rights of minorities was a very complex one. Misconceptions of the issue could encourage separatism based on ethnic considerations. It should be clearly stated that self-determination was a fundamental human right of those who suffered under colonialism and other forms of foreign domination. It should not be used to threaten the territorial integrity and political unity of independent States under legitimate Governments which fully respected the democratic principles and the rights of minorities. From that perspective, democracy was the determining factor in differentiating self-determination from actions aimed at fragmentation. The key challenge was to seek ways and means of supporting democratic and representative political systems for the benefit of all.

8. Mr. SOKHONA (Mauritania) said that the Universal Declaration of Human Rights proclaimed the freedom and equality of all human beings and rejected racist doctrines as the most destructive form of denial of the equality of all persons. The dismantling of apartheid, which was a triumph for all peoples, did not mean, however, the end of the fight against racism and racial discrimination. The General Assembly had thus proclaimed the Third Decade to Combat Racism and Racial Discrimination, and the World Conference on Human Rights had devoted a chapter of its final document to equality, dignity and tolerance and had recognized the elimination of racism and racial discrimination as one of the primary objectives of the international community.

9. Currently, there were numerous covert racist or xenophobic movements, groups or persons. They exploited existing confusion and unawareness to arouse the unsuspecting masses against other sectors of the population, in some cases against ethnic groups and more frequently against immigrants. Another danger presented by such movements and groups was their exploitation of the freedoms offered under the rule of law to undermine the very foundations of those freedoms. The scarcity of resources and the deterioration of socio-economic conditions created a fertile ground for the spread of racist and xenophobic ideas. Not only were developing countries affected, given the unfavourable economic international climate, but also industrialized countries, where immigrant communities were increasingly the target of xenophobic, racist and intolerant acts. Every country in the world was affected by the problem, since whenever an outrage was committed against any man, woman or child, it was an attack upon the dignity of all humankind.

10. With the upsurge in racist and xenophobic acts came the risk that such acts might become trivialized. In that regard, he stressed the relevance of the recommendations of the Special Rapporteur of the Commission on Human Rights, which reflected a thorough understanding of the trend; there was no doubt that the implementation of those recommendations would contribute significantly to

the elimination of all contemporary forms of racism, racial discrimination, xenophobia and intolerance. Nevertheless, he noted that 50 years after the establishment of the United Nations, the very fact that the question remained on the agenda represented, in itself, a failure for the international community. The best way of solving and eradicating the problem would be to improve solidarity since, once genuine solidarity existed among peoples and individuals, the sources of racism and racial discrimination would disappear. Combined efforts should be made to create a more supportive, more interdependent and more united world.

11. Mr. ROWE (Australia) said that his country had a particular interest in combating racism and its effects on its indigenous and multicultural population. The United Nations had played a crucial role in the fight against racism; currently, the number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination stood at 143. Australia urged those countries which had not yet ratified the Convention to do so and all States parties to the Convention to make the requisite declaration to enable direct communication of complaints by individuals to the United Nations Committee on the Elimination of Racial Discrimination. To ensure the monitoring of State compliance with their treaty obligations, Governments should agree, inter alia, to the amendment to the Convention providing for funding for the Committee on the Elimination of Racial Discrimination under the regular United Nations budget.

12. The effectiveness of United Nations action aimed at eliminating racism could be enhanced by coordinating several important initiatives currently under way. The Third Decade to Combat Racism and Racial Discrimination was the central United Nations programme of activity. However, the Programme of Action of the Third Decade should be considered in the context of the Decade for Human Rights Education and the International Decade of the World's Indigenous People and, wherever possible, efforts should be made to ensure complementarity between the programmes of action for those three decades. Thus, since the world's indigenous populations were victims of particular forms of racism and racial discrimination, the Programme of Action for the International Decade of the World's Indigenous People should form a natural complement to the Programme for the Third Decade to Combat Racism and Racial Discrimination.

13. Racism currently found expression in varied forms. Millions of people were affected by deadly conflicts within States. "Ethnic cleansing" had been witnessed in conflicts in the former Yugoslavia and in Rwanda. Those were just two of the numerous devastating internal conflicts that characterized the world scene. Although ethno-nationalist or religious claims were the most common source of conflict within States, ethnic or religious difference was not in itself a prelude to conflict. Australia was just one example, among many, of a successful multi-ethnic and multi-cultural society. Diversity could be seen as a source of creativity and productivity. That was the message of the Global Cultural Diversity Conference, the first of its kind, held in Australia in April 1995, which had brought together people from around the world to examine the social, cultural, economic and political dimensions of diversity.

14. Notwithstanding the success of multiculturalism, Australia still faced problems of racism and racial discrimination, in particular with respect to its

indigenous population. The legacy of past injustices was still evident in indicators of lower life expectancy, poor health, lower educational and employment status and intolerably high levels of incarceration. The Government of Australia was conscious of the situation and was taking steps to ensure that the human rights of indigenous Australians were fully respected and protected. One such step was the 1993 Native Title Act governing the land ownership rights of indigenous peoples, which had been adopted by the Commonwealth Parliament and had rejected once and for all the legal fiction of terra nullius. All Australian States and Territories had enacted complementary legislation within the framework of that Act. The year 1995 marked an important milestone in Australia's efforts to combat racism: the twentieth anniversary of the federal anti-discrimination legislation, the Racial Discrimination Act of 1975, implementing the provisions of the United Nations Convention on the Elimination of All Forms of Racial Discrimination. An evaluation and review of the Act had been initiated with a view to producing a package of significant amendments to ensure that the Act addressed systemic discrimination, facilitated dispute resolution and was more accessible and effective. The review was timely, given the social, political and demographic changes in Australia over the previous 20 years. Similarly, 1995 would also see the adoption of the Racial Hatred Act, which would enable Australia to withdraw its one reservation to the Convention.

15. Mr. POERNOMO (Indonesia) said that in its five decades of struggle against racism and racial discrimination, the United Nations had experienced a considerable degree of success, most notably in ending apartheid. The two World Conferences to Combat Racism and Racial Discrimination, in 1978 and 1983 respectively, reflected the determination of the international community to take effective action and to attain a more just, secure and stable world order. Nevertheless, the world had been witness to a resurgence of racist acts and to more subtle forms of racial discrimination such as misguided nationalism and "ethnic cleansing", which remained a source of violence and instability in all regions.

16. The fiftieth anniversary of the United Nations offered an appropriate opportunity to reaffirm that the fight against racism and racial discrimination was a global priority and to give renewed impetus to efforts to achieve the goals of the Third Decade to Combat Racism and Racial Discrimination. In that regard, it should be noted that at the Second World Conference on Human Rights in 1993 the international community had stipulated that the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and intolerance was a priority task and that Governments had been urged in its Programme of Action to take immediate measures and develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia and intolerance. In that connection, his delegation considered that the publication and distribution of model legislation on racism and racial discrimination could be of use to Governments in the enactment of such measures. His country was committed to following up the Declaration and Programme of Action adopted at the Vienna Conference. Moreover, efforts to combat racism and racial discrimination were essential to achieving not only the goals established at Vienna two years earlier, but also those set forth at San Francisco 50 years earlier. His country's commitment to that task derived from its national Constitution, which sought the establishment of abiding social justice and

peace. Moreover, as a member of the Non-Aligned Movement, his country promoted the universal ideal of justice, openness and non-discrimination.

17. The initiatives of the United Nations continued to be central to the eradication of all forms of racism and manifestations of xenophobia. The Programme of Action for the Third Decade provided the international community with an effective vehicle for achieving that goal. The Programme of Action had been formulated bearing in mind the global economic situation and the budgetary restraints affecting many Member States, without losing sight of those activities considered essential to achieving long-term goals. Unfortunately, activities relating to the Third Decade were hampered by a lack of financing. The Centre for Human Rights had difficulty initiating activities relating to the Third Decade because of a lack of human and financial resources. Resource constraints were being experienced throughout the system. However, if the Decade was to meet with success, a solution must be found to that problem. His country, which was a multi-ethnic State, attached considerable importance to achieving the objectives of the Third Decade and was determined to work towards a global solution to the problem.

18. Mr. SHAKOOR KHAN (Pakistan) said that both the Charter of the United Nations and the Universal Declaration of Human Rights proclaimed the dignity of the human person and called for the promotion of respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion. The United Nations had since codified international standards regarding racism and racial discrimination in 13 conventions, declarations and protocols. As a symbol of international cooperation, over a period of decades to combat racism, the United Nations had succeeded in eliminating the practice of apartheid and had included South Africa in the community of nations.

19. Many manifestations of racial discrimination currently haunted and plagued the world. Throughout the colonial epoch, racism and racial discrimination had been an inseparable part of the doctrines justifying colonial and foreign domination. In the current era, those practices had acquired new forms and millions of human beings continued to be victims of discrimination because of their colour, caste or ethnic origin. In the Balkans, Serbian aggression and genocide against the defenceless people of Bosnia and Herzegovina had revived racial and religious hatred. Crimes against humanity had been committed in the region in flagrant violation of the International Bill of Human Rights and other international instruments. The response of the international community had been delayed and inadequate, and its inaction had merely served to embolden the aggressors in their campaign of terror and repression. Now that there was a chance for peace, it was essential to ensure that the perpetrators of those crimes were held accountable and punished under international law. The lesson to be learned from the tragedy of that war was that the international community must act firmly and with determination whenever the monsters of racism and racial discrimination posed a threat, in order to save millions of people from extermination and systematic discrimination, which could inflict irreparable damage to world peace and to the United Nations.

20. The growing phenomenon of xenophobia and related intolerance were the worst forms of racism and racial discrimination. In many parts of the world, as the international community stood by, indifferent, the rights of immigrants, migrant

workers, refugees and minorities were being violated in pursuance of the doctrine of racial superiority. Instances of discrimination against Muslim minorities had increased in several countries, where Muslims had become the favourite target of racist and fascist groups which killed innocent persons in attacks prompted by religious hatred.

21. To ensure the coexistence of civilizations, a new world order could not be built on the basis of castes and races. The tendency to equate Islam with fundamentalism and terrorism was a dangerous development that must be resisted at all costs. The concepts of terrorism and extremism were totally alien and inapplicable to Islamic religion and tradition. At the Seventh Islamic Summit Conference of the Organization of the Islamic Conference held at Casablanca in December 1994, a resolution had been adopted calling for efforts to combat attempts to present a distorted image of Islam and Muslims as a pretext for justifying aggression against Muslim countries and peoples and the occupation of those countries. In addition, the phenomenon of the caste system, which could be characterized as multiple apartheid, also must be addressed openly with a view to mitigating the suffering of millions of people living a life of bondage and discrimination which divided them into upper and lower echelons, segregated them and excluded them from the political, economic, social and cultural spheres of society.

22. With respect to the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, all countries should allocate greater financial and human resources to the social and education sectors in order to eliminate the causes of racial tensions. In his country, whose population reflected an ethnic mixture created by successive waves of migrants, his Government had systematically extended moral, political and material support to all peoples struggling against racial discrimination and apartheid. His country was among those which had taken the initiative of placing the issue of apartheid on the agenda of the United Nations and which had used all possible means to support the struggle of the people of South Africa against racism. It had been among the first countries to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and, together with Nigeria, had drafted the International Convention on the Suppression and Punishment of the Crime of Apartheid. The people of his country, guided by the precepts of equality and brotherhood preached by Islam and enshrined in the Constitution, would continue to work for the complete elimination of all forms of racial discrimination throughout the world.

23. His country believed that the Committee on the Elimination of Racial Discrimination had made a commendable contribution. Accordingly, it urged all Member States to fulfil their financial obligations by paying their arrears in order to help the Committee to overcome its serious financial crisis and thereby enhance its efforts to eradicate all forms of racism and racial discrimination.

The meeting rose at 4.30 p.m.